

**The Honorable Joaquin G. Adriano  
President of the Senate  
The Senate  
Fourteenth Northern Marianas Commonwealth Legislature**

**Testimony  
Before the Committee on Resources  
United States House of Representatives**

**Hearing on *An Examination of the Potential for a Delegate from the Commonwealth  
of the Northern Mariana Islands*  
February 25, 2004**

## **PART I. History of Delegates in Congress.**

The term “territory” is a generic term for non-state areas of the United States. Delegates to Congress from the various territories of the United States have been a common phenomenon even before the adoption of the Constitution of the United States.

Over 30 U.S. territories have been represented by non-voting delegates to the Congress before they became States of the Union. During the country’s westward expansion in the 19<sup>th</sup> century, territorial status was seen as the eventual step toward statehood. The populations of the territories at the time representation in Congress was granted varied from as many as 5,000 to 260,000 individuals, mostly settlers from the several States.

Like the majority of the States that preceded them, Alaska and Hawaii were U.S. territories for decades before finally becoming the 49<sup>th</sup> and 50<sup>th</sup> States of the Union, respectively. In the latter part of the 19<sup>th</sup> century, the U.S. acquired the island territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. Eventually, even these island territories were granted a voice in the U.S. Congress.

Presently, Guam, American Samoa, the U.S. Virgin Islands, and the District of Columbia are each represented in the U.S. House of Representatives by a non-voting delegate as authorized by federal statute. The delegates are elected by the voters in their territories to serve a two-year term, as are other House members.

Puerto Rico is represented in the U.S. House of Representatives by a resident commissioner as authorized by House Rules. The resident commissioner is elected by voters in Puerto Rico to a four-year term. The Commonwealth of Puerto Rico, Guam, Virgin Islands and American Samoa have enjoyed the privilege of representation in the Congress for the last 20 to 30 some years.

With the exception of voting on the floor and other minor exceptions as provided in the House Rules, the delegates and the resident commissioner maintain the same rights and privileges as the other House members. History will show that, but for the presence and effective representation by the territorial delegates, Congress might not have addressed as expediently or thoroughly territorial issues of grave significance and impact.

The United States’ long-standing practice of allowing, if only limited, representation in Congress for the various territories recognizes the fundamental principles of representative government and its applicability to State and non-State areas. This practice, though not directly sanctioned under the U.S. Constitution, could hardly be construed as anything less than affording all U.S. citizens residing on American soil the opportunity to hear and be heard in a national law-making context.

Despite its long relationship with the United States since World War II, during the period under the administration of the U.S. Trust Territory of the Pacific Islands (Trust Territory), and as the newest member of the American political family since 1975, the Commonwealth of the Northern Mariana Islands (CNMI) is the only U.S. insular area

with a permanent population without its own representative in Congress. The CNMI's modest success as a self-governing U.S. commonwealth in the areas of economic self-sufficiency and progressive political and social stability without the benefit of a non-voting delegate in Congress strongly favors the potential for greater success in those and other areas had the CNMI been granted a non-voting delegate.

## **PART II. Relevance of Having a Delegate for the CNMI.**

The CNMI's political relationship with the United States is embodied in the *Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America* (Covenant). See U.S. Public Law 94-241, 90 Stat. 263. While the birth of each territory's historical relationship with the United States may be considered unique, the CNMI enjoys the distinction of being the only U.S. insular area whose citizens overwhelmingly voted in a solemn covenant to be a part of the United States and become U.S. citizens, transferring part of their sovereignty over to U.S. in the areas of defense and foreign affairs, while retaining the right to self-government.

The Covenant was the end-result of years of discussion, scrutiny and careful negotiations amongst and between local leaders and representatives from various United States and Trust Territory agencies, including a few members of Congress. It was well understood then as it is now that the means by which the Northern Mariana Islands sought U.S. commonwealth status was uncharted territory in the U.S. territorial experience.

Nevertheless, the Covenant was ratified, establishing each party's rights and obligations in treaty-like fashion. Among the Covenant sections that became effective immediately upon ratification is Section 901, which provides for a CNMI Resident Representative to the United States.

Section 901, in full, provides:

The Constitution or laws of the Northern Mariana Islands may provide for the appointment or election of a Resident Representative to the United States, whose term of office will be two years, unless otherwise determined by local law, **and who will be entitled to receive official recognition as such Representative by all of the departments and agencies of the Government of the United States upon presentation through the Department of State of a certificate of selection from the Governor.** The Representative must be a citizen and resident of the Northern Mariana Islands, at least twenty-five years of age, and, after termination of the Trusteeship Agreement, a citizen of the United States.

The emphasized language is almost identical to the text in Section 891 of Title 4 of the United States Code that provides for Puerto Rico's Resident Commissioner to the United

States. Yet, interestingly, while Puerto Rico's Resident Commissioner is the functional equivalent of Guam, Virgin Islands and American Samoa's non-voting delegates, Section 891 makes no mention of a role for the Resident Commissioner in Congress.

Even prior to the Covenant's complete ratification, members of the Marianas Political Status Commission negotiating team sought a commitment from the United States to authorize a non-voting delegate to Congress to represent the CNMI. These early efforts were unsuccessful, the principal reason given was the small population in the Marianas compared to with the population in Guam and the Virgin Islands at the time those territories were given non-voting delegates.

Looking at the latest U.S. census data for the CNMI, the population criterion no longer is justified to deny the CNMI a non-voting delegate. Nor should it have been necessarily, since the CNMI's population of approximately 8,000 in 1976 was more than that of other U.S. mainland territories, as mentioned earlier, at the time they were given a non-voting delegate.

However, the conditions in the Marianas in 1976, notwithstanding, subsequent local, regional, national and global issues of varying degrees of relevance and impact on the CNMI argue strongly for CNMI representation in the Congress. This can be assured only by giving the CNMI a non-voting delegate who can directly advocate the CNMI's interests in the national government.

Most people in the CNMI would agree that no other local interest deserves greater attention and nurturing than the CNMI's economic potential and viability. Because of its close proximity to Asia, the CNMI's economy, especially the local tourism industry, rides on the economic swells of the much larger, economically advanced Asian countries.

As a U.S. tropical vacation destination in the western Pacific, the CNMI is blessed with close access to the tourist markets of neighboring Asian countries, primarily Japan, Korea and China. The development of the CNMI's tourism industry is also attributable to collaborative and extensive marketing efforts by the CNMI Government, commercial airline and hotel companies, and other tourism advocacy groups.

Still, much can and should be done to improve the CNMI's tourism. Through proper planning and environmental controls, the CNMI can become the number one destination of choice for travelers in the western Pacific region for business or pleasure.

For example, in 1989, the U.S. residents in the municipality of Tinian and Aguiguan approved a local initiative to authorize gaming in the municipality. Following the construction of a world class gaming hotel and casino and the on-going federally funded expansion and upgrading Tinian's airport, Tinian is poised to attract large numbers of visitors in the near future.

Aside from tourism, private garment manufacturing, introduced to the CNMI in the 1980s, generates exports to the U.S. in hundreds of millions of dollars and accounts for

approximately 17 percent of CNMI Government revenues. The industry flourished in part because of the favorable tariff treatment of garment goods produced in the CNMI entering U.S. markets under Head Note 3A and the CNMI's control over local immigration and minimum wage, which provided for the relatively easy recruitment of alien workers to supplement the inadequate local labor pool.

However, with the full application of World Trade Organization rules to international trade in textiles and clothing on January 1, 2005, the quota-free advantage that the CNMI has enjoyed hitherto may be lost. Thereafter, the ability of the local garment industry to compete globally with other garment producing countries is.

Another equally important issue has been the desire of the CNMI Government for an increased U.S. military presence in the CNMI. To enable the United States to fulfill its defense obligations under the Covenant, the United States leased approximately two-thirds of the island of Tinian, lands surrounding Tanapag Harbor on the island of Saipan and the island of Farallon de Medinilla.

Portions of the leased lands on Tinian and Saipan have been leased back to the CNMI for specific uses consistent with military requirements. The non-leaseback portions are used sporadically for various tactical assault training, while Farallon de Medinilla provides the only target for the U.S. Navy's live bombing exercises.

In addition, U.S. Naval vessels on occasion port at Saipan for liberty call. The personal expenditures of the crew in the various retail establishments add new revenues to the CNMI economy.

The fateful 9/11 attack, the War on Terror, the SARS scare, and other potential terrorist threats raise profound national security issues that concern every aspect of keeping America and her citizens safe within her borders and abroad. Although far removed from mainland America, the CNMI and the island of Guam are no less vulnerable to attack, and the lives and property of their residents must be protected. The appropriate response to these concerns inherently involves bilateral consultation between the state or territory and the national government.

While security will continue to be a major concern, providing quality health care for the growing population in the CNMI is putting a strain on the scarce resources of public and private health care providers. This includes the high cost for off-island medical referral of patients to Hawaii that warrants consideration of alternative strategies, for example, the CNMI's specialization in the care and treatment of certain diseases, or provision of medical services, which could be made accessible to patients from less medically equipped island communities in the region.

Similarly, the islands' infrastructure, including the American Memorial Park, roads, public buildings, public utilities, telecommunications, and air and sea transportation, remain a priority. Capital improvement projects grants under section 702 of the Covenant have provided the bulk of funding dedicated to such projects. This funding is

deemed vital to continue the infrastructure improvements so as to ensure the health, safety and well being of the community.

### **PART III. Conclusion.**

The above and other difficult issues that are destined to arise, some unique to the CNMI or in common with the other States and territories, cannot be resolved by a single government agency or level of government. Effective results happen because of thorough consultation and cooperation among government agencies and between governments.

For the above reasons, a CNMI non-voting delegate to Congress should not be an option, but a requirement. Not only will the other members of Congress have quick access to a colleague from the CNMI on matters that relate to a CNMI interest, but also the people of the CNMI, just as the people of any other State or U.S. territory, will have an advocate in Congress to ensure that their concerns and aspirations are heard.

Respectfully submitted.